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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
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9 United States of America,

No. CR-22-01913-005-TUC-JAS (LCK)

10 Plaintiff,

ORDER

11 v.

12 Guiovani Contreras-Robles,

13 Defendant.
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Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge Kimmins that recommends denying Defendant's Motion to Dismiss Count One of the Indictment. The record reflects that the parties have not filed any objections to the Report and Recommendation and the time to file objections has expired. As such, the Court will not consider any objections or new evidence.

The Court has reviewed the record, including Defendant's motion (Doc. 102), the government's response (Doc. 106), Defendant's reply (Doc. 108), and the R&R (Doc. 112). The Court has also listened to the audio recording of oral arguments on Defendant's motion (Courtsmart, LCK, February 29, 2924 at 2:00pm). Based on this review, the Court concludes that Magistrate Judge Kimmins's recommendations are not clearly erroneous. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

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1 Accordingly, **IT IS ORDERED** as follows:

2 (1) Magistrate Judge Kimmens's Report and Recommendation (Doc. 102) is accepted and
3 adopted.

4 (2) Defendant's Motion to Dismiss Count One of the Indictment (Doc. 102) is **denied**.

5 (3) This case is referred back to Magistrate Judge Kimmens.

6 Dated this 27th day of March, 2024.

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10 Honorable James A. Soto
11 United States District Judge
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